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U.S. DISTRICT COURT

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

EDMOND NEMAKERED MANOOKEN §

VS. § CIVIL ACTION NO. 4:04cv335

UNITED STATES OF AMERICA §

MEMORANDUM OPINION AND ORDER

Movant Edmond Nemakered Manooken, a federal prisoner, proceeding *pro se*, filed this motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255.

Discussion

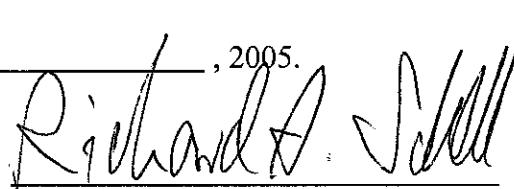
The Magistrate Judge scheduled an evidentiary hearing and appointed counsel to represent the Movant at the hearing. After conferring with counsel about his case, the Movant moved to withdraw and dismiss the motion to vacate, set aside or correct sentence. The government does not oppose the motion.

Pursuant to Federal Rule of Civil Procedure 41, the Court may dismiss an action at the plaintiff's instance upon such terms and conditions as the Court deems proper. FED. R. CIV. P. 41(a)(2). In this instance, the interests of justice will best be served by allowing the Movant to withdraw his motion to vacate sentence and dismiss the case.

ORDER

For the foregoing reasons, the Movant's motion to withdraw and dismiss the motion to vacate, set aside or correct sentence is hereby **GRANTED**. A Final Judgment dismissing the action will be entered pursuant to Federal Rule of Civil Procedure 41(a)(2).

SIGNED this 11th day of October, 2005.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE